REASONS WHY THE WOMEN OF NEW JERSEY SHOULD VOTE.

AS SHOWN FROM THE CONSTITUTION AND STATUTES OF NEW JERSEY.

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"Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State one year, and of the county in which he claims his vote five months next before the election, shall be entitled to vote for all officers that now are, or hereafter may be, elected by the people. *Provided*, That * * * * * no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned, or restored by law to the right of suffrage, shall enjoy the right of an elector." "The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections." (Constitution of the State of New Jersey, Article 2, on Right of Suffrage.) Thus it will be seen that the one hundred and thirty-four thousand intelligent, educated, loyal women of New Jersey are degraded to the level of, and ranked politically with, the only classes of men who are esteemed too wicked, or too worthless to govern themselves. This insult is offered to every man's mother, not because she is a minor, idiot, lunatic, or criminal, but solely because she is a woman. Every woman in New Jersey, because she is a woman, is deprived of all political existence, and reduced to the condition of a conquered subject. She is taxed without representation, and governed without consent.

"The Widow of a deceased person who has died without a will is entitled to dower, *i. e.* to life-use of *one-third* of his real estate : also she may remain in the house of her deceased husband forty days, or till the dower is assigned, without paying rent for the same. But after the dower is assigned, nothing in the section which affirms her right of dower shall be construed as enabling

her to remain in and enjoy the house and land of her husband, without paying rent for the same." (Nixon's Digest, p. 230, sec. 24.)

In the absence of a will, the widow "is entitled to one-third of the personal property, if there is a child; or to one-half, if there is no child. If there is a will, and it disposes of all the personal property, she will have *such part of it as the will gives her, if any.*" (Nixon's Digest, p. 282.)

"The growing grain, roots, and crops are not left for the widow." (Nixon's Digest p. 596, also 231, foot note.)

"A widower is entitled to the life use of *all* his deceased wife's real estate, and to the absolute ownership of *all* her personal property. He is in all cases entitled to administer on her estate, and is not required to give a bond. In case he die before he has fully administered, his representatives and not hers are entitled to her property. The rights of the husband are not suffered to be taken away, and if others administer, his right to the estate remains." (Nixon's Digest, pp. 596—604.)

"If the proceeds of lands devised to be sold are given to a married woman who dies before the sale, the legacy is vested in the husband; and if he die before the sale, it goes to *his* representatives and not to those of the wife." (Nixon, p. 504.)

"If a married woman administer, her husband must enter into bond, and act with her." (Nixon, p. 596.) A wife, or widow, cannot administer without giving bonds. If a married woman is appointed administratrix, and afterwards marry, the marriage extinguishes her right to administer. But a bond is not required of a husband or widower who administers.

Under "an Act concerning Executors and the administration of the estates of persons who have died without will," the law thus guards the rights of husbands: "Neither this Act, nor any thing herein contained, shall be construed to apply to the estates of married women who die without a will, * * but their husbands may demand and have administration of their rights, credits, and other personal estates, and recover and possess the same, as fully as they might have

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done before the passage of this Act." (Nixon's Digest, p. 279, sec. 15.)

"The will of any married woman, minor, idiot, lunatic, or person of non-sane mind and memory, shall not be held, or taken to be good, or effectual in law." (Nixon, p. 913, sec. 3.) By subsequent legislation, however, a wife may make a valid will of *her real estate*, subject, however, to her husband's right to its life-use. Of her personal property a wife can make a valid will, if her husband's written consent is endorsed upon it. But this consent amounts to little, since, according to Redfield on the Law of Wills (ch. 3, p. 24, sec. 8), "The husband may revoke his consent at any time before the probate, either before or after the decease of his wife;" and then her will becomes null and void.

The sole custody of a child belongs to the father. "Any * * father, * * * whether he be of age, or not, may, * * by his deed executed in his lifetime, or by his last will, * * dispose of the custody of his child, * * born, or to be born, * * and such disposition of such child, or children, shall be good against the child's mother, or every other person or persons; and if the mother, or any other person, shall attempt to recover custody of such child or children, she or they shall be subject to an action for ravishment, or trespass." (Nixon's Digest, p. 915, sec. 9.)

Thus a minor, who cannot legally give a deed, or make a will of any *property* whatever, may, by law, both deed and will away the child from its mother, whose God-given right to it the law of New Jersey absolutely annuls. (And this atrocious law is in force in the District of Columbia, in the Territories, and in nearly every State in the Union.) Only an unmarried mother has a legal right to her children.

"Testamentary Guardians," *i. e.* guardians appointed by the will of the father, "are entitled, in preference to the mother, or any guardian appointed by the Court." (Nixon, p. 343.) "Guardians are entitled to the custody of the person of the ward, and may take him, or her, from the mother." * * * "The legal definition of an orphan is *a fatherless child*." (Nixon, p. 343.)

So jealously does the law guard the father's right to his children, that even "the Orphans' Court has no power to appoint

a guardian for a minor during the lifetime of the father, even with his consent." (Nixon, page 343.) But if a father "abscond or absent himself from the State for a term of two years," abandoning his family, the mother may not legally assume the control and care of her children, but must apply to the Orphans' Court before she can obtain the legal right to be their guardian. (Nixon, p. 342, sec. 9.)

"When any husband and wife shall live in a state of separation, without being divorced, and shall have any minor child or children of the marriage, the chancellor, or the Supreme Court of this State, or any Justice of the said Supreme Court, upon the said child or children being brought before them upon habeas corpus, shall make an order for the access of the mother to her infant child, or children, *at such times and under such circumstances as they may direct*; and if the said child or children be within the age of seven years, shall make an order" that they be delivered to and remain in the custody of the mother until they are seven. "The father of a legitimate child is in general entitled to its custody in preference to the mother, if the parents are living separate; but if the child be of tender age, or if other circumstances require, the child *may* be given to the mother." (Nixon, p. 361, sec. 18, and notes.)

When an adult child dies without a will, leaving no children, no brother or sister, nor children of brother or sister, but leaving a father, the inheritance goes absolutely in fee simple to the father; under the same circumstances, except that there is no father, the mother inherits *only the life-use* of such estate. (Nixon, p. 213, secs. 3 and 4.)

If a wife be guilty of adultery, she is for ever barred from her dower, unless her husband is reconciled to her, and suffer her to dwell with him. (Nixon, p. 229, secs. 14 and 15.) We find no law to punish a husband who is guilty of the same crime.

Thus in all the relations peculiar to her sex, as wife, mother, and widow, woman is placed by New Jersey law in a condition of servitude and inferiority. The sacred relation of marriage, instead of being a noble and permanent partnership of equals, with reciprocal rights and duties, is degraded into a mercenary and unequal bond between Superior and Dependent, injurious to both. And finally, the numerous and increasing class of women who have to earn their daily bread by wages or salary, are paid only one-third to one-half of what voters receive for similar employments, and are often reduced to beggary and shame, *because women have no vote.*

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